

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2750
OFFERED BY MR. ISSA OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Design-Build Effi-
3 ciency and Jobs Act of 2014”.

4 SEC. 2. DESIGN-BUILD SELECTION PROCEDURES.

5 (a) CIVILIAN AGENCY CONTRACTS.—Section 3309 of
6 title 41, United States Code, is amended—

7 (1) in subsection (d), by striking “agency deter-
8 mines with respect to” and all that follows through
9 the period at the end, and inserting the following:
10 “the head of the agency approves the contracting of-
11 ficer’s justification that an individual solicitation
12 must have greater than 5 finalists to be in the Fed-
13 eral Government’s interest. The contracting officer
14 must provide written documentation of how a max-
15 imum number of offerors exceeding 5 is consistent
16 with the purposes and objectives of the two-phase se-
17 lection process.”; and

18 (2) by adding at the end the following:

1 “(f) DESIGN AND CONSTRUCTION CONTRACTS.—

2 Two-phase selection procedures shall be used for entering
3 into a contract for the design and construction of a public
4 building, facility, or work when a contracting officer deter-
5 mines that the contract has a value of \$750,000 or great-
6 er, as adjusted for inflation in accordance with section
7 1908 of this title.

8 “(g) REPORTS.—

9 “(1) AGENCY REPORTS.—Beginning on the date
10 that is 1 year after the effective date of this sub-
11 section, and for each of the 4 years thereafter, each
12 agency shall submit to the Comptroller General of
13 the United States and publish in the Federal Reg-
14 ister an annual report regarding all cases in the pre-
15 ceding year—

16 “(A) in which more than 5 finalists were
17 selected for phase-two requests for competitive
18 proposals; or

19 “(B) for a contract that has a value of
20 \$750,000 (as adjusted for inflation in accord-
21 ance with section 1908 of this title) or greater
22 for which the two-phase selection procedures
23 were not used.

24 “(2) GAO REPORT.—In the first full fiscal year
25 that is 5 years after the effective date of this sub-

1 section, the Comptroller General of the United
2 States shall publish a report that, based on the in-
3 formation provided in the agency reports required
4 under paragraph (1), analyzes the degree to which
5 agencies have complied with the requirements of this
6 section.”.

7 (b) DEFENSE CONTRACTS.—Section 2305a title 10,
8 United States Code, is amended—

9 (1) in subsection (d), by striking “agency deter-
10 mines with respect to” and all that follows through
11 the period at the end, and inserting the following:
12 “the head of the agency approves the contracting of-
13 ficer’s justification that an individual solicitation
14 must have greater than 5 finalists to be in the Fed-
15 eral Government’s interest. The contracting officer
16 must provide written documentation of how a max-
17 imum number of offerors exceeding 5 is consistent
18 with the purposes and objectives of the two-phase se-
19 lection process.”; and

20 (2) by adding at the end the following:

21 “(g) DESIGN AND CONSTRUCTION CONTRACTS.—
22 Two-phase selection procedures shall be used for entering
23 into a contract for the design and construction of a public
24 building, facility, or work when a contracting officer deter-
25 mines that the contract has a value of \$750,000 or great-

er, as adjusted for inflation in accordance with section 1908 of title 41.

“(h) REPORTS.—(1) Beginning on the date that is 1 year after the effective date of this subsection, and for each of the 4 years thereafter, each agency shall submit to the Comptroller General of the United States and publish in the Federal Register an annual report regarding all cases in the preceding year—

“(A) in which more than 5 finalists were selected for phase-two requests for competitive proposals; or

“(B) for a contract that has a value of \$750,000 (as adjusted for inflation in accordance with section 1908 of title 41) or greater for which the two-phase selection procedures were not used.

“(2) In the first full fiscal year that is 5 years after the effective date of this subsection, the Comptroller General of the United States shall publish a report that, based on the information provided in the agency reports required under paragraph (1), analyzes the degree to which agencies have complied with the requirements of this section.”.

